

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LORNA BURKHALTER,)
)
Plaintiff,)
)
v.) Case No. 4:10CV349 HEA
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security)
)
Defendant,)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation, of Magistrate Judge Thomas C. Mummert III, that the decision of the Commissioner be reversed and remand, [Doc. No. 25]. Neither party has filed any objections to the Report and Recommendation within the prescribed time period.

Judge Mummert sets out a very thorough analysis of the facts and applicable law. Judge Mummert recognized that Plaintiff may well not be disabled within the meaning of the Act, however, he recommended that the matter be remanded for further consideration of the extent to which Plaintiff's obesity limits her from engaging in the full range of Guideline-listed activities and, if necessary, solicitation of testimony by a vocational expert relevant to that consideration. The Court agrees with Judge Mummert, and for the reasons set forth in the Report and

Recommendation, the Court adopts the Report and Recommendation in its entirety.

Accordingly,

IT IS HEREBY ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the Commissioner is reversed.

IT IS FURTHER ORDERED that this matter is remanded to the Commissioner for further proceedings.

A separate judgment in accordance with this Opinion, Memorandum and Order is entered this same date.

Dated this 2nd day of December, 2010.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE